

RUE FOREST CONTRACTING, INC.,)	AGBCA Nos. 2003-160-1
)	2003-161-1
Appellant)	
)	
Representing the Appellant:)	
)	
Philip T. Kelley, Esquire)	
Kelley & Kelley)	
110 North Second Street)	
Silverton, Oregon 97381)	
)	
Representing the Government:)	
)	
Mary E. Sajna, Esquire)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

October 14, 2003

Before POLLACK, WESTBROOK, and VERGILIO, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

These appeals arise out of Contract No. 53-04R4-2-2261P for Multi-Agency Invasive Plant Species Control, between Rue Forest Contracting, Inc. of Mill City, Oregon, and the U. S. Department of Agriculture, Forest Service, Willamette National Forest, Eugene, Oregon. Pursuant to the contract, Appellant was to perform its work under various task orders. The work was to be performed at several different forests within Oregon.

On December 19, 2002, the Contracting Officer (CO) issued a decision in which he addressed eight task orders. Of those 8, he terminated one for default and terminated one for convenience. Appellant filed a timely appeal dated March 18, 2003. The default was docketed as AGBCA No. 2003-160-1 and the termination for convenience as AGBCA No. 2003-161-1.

The Board has jurisdiction to decide these appeals pursuant to the Contract Disputes Act of 1978 (CDA) 41 U.S.C. §§ 601-613, as amended.

Soon after docketing, the Appellant requested an extension of time to file its complaint. That was further extended when the parties reported that they were engaged in discussions in an attempt to effectuate a settlement. Thereafter, by letter dated August 6, 2003, from counsel for Appellant, the Board was notified that a settlement agreement had been signed by the parties. The agreement set out the conditions of the settlement. The letter also had attached a document titled Order Closing Appeal, which called for closing of the appeals based on the settlement.

DECISION

The parties having settled these appeals, the matter is dismissed with prejudice.

HOWARD A. POLLACK

Administrative Judge

Concurring:

JOSEPH A. VERGILIO

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D.C.

October 14, 2003